THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14100 of 2007

Dated: 09-07-2007

Between:

Palanki Kesava Reddy.

..... PETITIONER

AND

The Government of Andhra Pradesh,
rep. by its Principal Secretary, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14100 of 2007

ORDER:

The petitioner is a resident of Guntupalli Gopavaram Village, Yerrupalem Mandal, Khammam District. He is allegedly owner of land admeasuring Acs.10.20 guntas in survey No.280 (old survey No.425). Father of the petitioner allegedly purchased the land from one Ravilala Dharmaiah. In 1997, the petitioner came to know that respondents 7 and 8 were granted pattadar passbooks (PPBs) in respect of land to an extent of Acs.2.29 guntas out of said land. The petitioner then preferred an appeal before fourth respondent, the Revenue Divisional Officer (RDO) under the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, who by order dated 20.05.2002 cancelled PPBs/title deeds in favour of respondent Nos.7 and 8. On 21.06.2005, the Mandal Revenue Officer(MRO), Yerrupalem Mandal, issued consequential proceedings informing that necessary entries in the record of rights in favour of respondents 7 and 8 were removed and that the petitioner's name has been entered. The petitioner was also given PPBs in respect of land to an extent of Acs.2.20 guntas. At this stage, respondents 7 and 8 approached second respondent for redressal. By order dated 15.04.2007 second respondent directed MRO to look into the matter and submit a report. In said order, second respondent also referred to the earlier communication dated 14.03.2003 whereunder MRO was allegedly directed to handover possession to the assignees, namely, respondents 7 and 8. It is alleged that even without sending a report, MRO came to the land on 25.05.2007 and tried to interfere with the possession and also dispossessed the petitioner. Therefore, the petitioner filed instant writ petition seeking appropriate declaration and direction.

This Court has heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (Assignment). The learned counsel for the petitioner submits that when second respondent asked fifth respondent to submit a report, the petitioner was dispossessed statedly in purported implementation of the orders of second respondent, which is illegal. Therefore, he submits that the highhanded action of fifth respondent is arbitrary and that writ petition would lie, which is disputed by the learned Assistant Government Pleader.

As seen from the documents annexed to the writ petition, the petitioner filed representations dated 19.05.2007 and 28.05.2007 before second respondent. *Inter alia* it is stated in the representation dated 28.05.2007 as under.

The Thasildhar Yerrupalem abruptly came on to my land

> on 25.05.2007 to demarcated the so called Government land.
> I brought to the notice of the MRO about my representation and orders passed by the Collector. Inspite of this the Thasildhar Yerrupalem demarcated the so called Government land. I am advised to submit that such an act of the Thasildhr Yerrualem is against the principles of natural justice, besides being interference of my ownership and possessary rights. The District Collector may see that Thasildhar Yerrupalem had deprived me of my 2 acres 29 guntas of land which is in my peaceful possession and enjoyment since more than 36 years, with a stroke of pen.
>
> Thasildhar Yerrupallem demarcated the so called Government Land in two bits one on the northern side and the other on southern along the donka and this demarcation dip rice me access to my remaining land, which may lead to further complications.

A perusal of the above portion of the representation dated 28.05.2007 would not support the allegations that the petitioner was dispossessed, that on 25.05.2007, fifth respondent came to the land, demarcated it separating Acs.2.29 guntas, which is allegedly belonging to the Government and caused interference to the possessory rights of the petitioner. Therefore, this Court cannot record any observation that fifth respondent acted arbitrarily. This Court, however, hastens to add that now that the representations are made to second respondent for redressal, the same may be considered in accordance with law. It is needless to mention that even if the petitioner is in possession of a part of a Government land or assigned land in respect of which grant was given to respondents 7 and 8, the official respondents have to follow due process of law before taking any coercive steps. In this writ petition, no relief can be granted. Second respondent may dispose of the representations of the petitioner within a period of four weeks from the date of receipt of a copy of this order. If it is found that an extent of Acs.2.29 guntas also forms part of the schedule of the land purchased by the father of the petitioner, second respondent shall ensure that said land is restored to the petitioner.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

09th July, 2007
Note: Issue CC in one week.
B/o
ghn